

Application Serial No.: 10/055,845
Attorney Docket No.: EVIONYX-0013USAAON00

REMARKS

Applicant thanks the Examiner for the careful attention accorded this application. Claims 8 and 9 are pending.


The amendment to the specification is supported by the original Figure 6, which was not mentioned in the originally filed specification. However, this matter was described in PCT Application No. WO2002US0001865, which claims priority to the same United States Provisional Patent Application Serial Number 60/263,174 and was filed on the same day of the application herein, January 22, 2002.

Therefore, it is respectfully requested that the rejection claims 8 and 9 under 35 USC 112, first paragraph be withdrawn.

Further, claim 9 has been amended to recite that fluid communication between the electrolyte and the anode is through the plurality of the apertures.

Applicants respectfully submit that the above matter is not new matter, and was in possession of the inventor at the time of filing. Therefore, allowance is respectfully requested.

Respectfully submitted,


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February 16, 2006
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